

AN ORDINANCE

97494

**APPROVING AN INTRAJURISDICTIONAL AGREEMENT FOR THE
PURPOSE OF TRANSFER OF CONTROL OF CERTAIN
PROPERTIES BETWEEN THE CITY OF SAN ANTONIO AND CITY
PUBLIC SERVICE BOARD IN CONNECTION WITH THE
HAUSMAN ROAD PROPERTY TO BE USED FOR A PUBLIC
LIBRARY AND PARK, LOCATED IN COUNCIL DISTRICT 8.**

* * * * *

WHEREAS, pursuant to Ordinance No. 97113 dated January 30, 2003, a Joint Use Agreement was entered into between the City of San Antonio (City) and City Public Service Board (CPS) to use approximately 13,000 square feet of land for the purpose of installing, operating and maintaining electric transmission and distribution adjacent to an existing fifty (50)-foot wide electrical easement to serve the northern portion of the Iron Horse Canyon Subdivision; and

WHEREAS, under said agreement the City and CPS have agreed to identify additional property to exchange control for the benefit of each party; and

WHEREAS, CPS wishes to obtain the use, benefit, operation and control from the City of approximately 4.506 acres (196,282 square feet) located at 11600 Starcrest Drive for the purpose of gas and electric transmission; and

WHEREAS, the City has identified certain property consisting of 17.239 acres (750,930 square feet) of property located at 7938 Hausman Road, which the City desires to obtain the use, benefit, operation and control of from CPS for municipal purposes, including the construction and maintenance of a public library and public park; and

WHEREAS, the City has determined that the 4.506 acres is no longer needed for City's use and CPS has determined that it no longer needs the 17.239 acres for CPS' use; and

WHEREAS, the parties have had appraisals made of the properties and, together with the value of the approximately 13,000 square feet of land referenced above, a difference in value of the properties in the amount of \$480,997.34 in favor of CPS has been determined; and

WHEREAS, under the terms of an Intrajurisdictional Agreement for the Purpose of Transfer of Control of Certain Properties between the City of San Antonio and City Public Service Board (CPS) to reflect the parties' agreement, the City has a 10-year period to work with CPS to locate substitute property, properties or funds, subject to appropriation, or a combination thereof valued at such difference in value; and

WHEREAS, approval of this ordinance is consistent with the City's policy in the transfer of control of City-owned property no longer needed by the City; **NOW THEREFORE**;

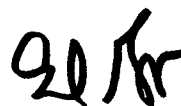
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. That certain 4.506 acres (196,282 square feet) located at 11600 Starcrest Drive is hereby declared no longer needed by the City for its use and in connection therewith, an Intrajurisdictional Agreement for the Purpose of Transfer of Control of Certain Properties between the City of San Antonio and City Public Service Board (CPS), is hereby approved for the transfer to CPS from the City of use, benefit, operation and control of 4.506 acres (196,282 square feet) located at 11600 Starcrest Drive for the purpose of gas and electric transmission, such property being shown on **Exhibit "A"** attached hereto and incorporated herein verbatim for all purposes, and for the acceptance from CPS by the City of the use, benefit, operation and control of 17.239 acres (750,930 square feet) of property located at 7938 Hausman Road, no longer needed by CPS for its use, for the City to use for municipal purposes, including the construction and maintenance of a public library and public park; such property being shown on **Exhibit "B"** attached hereto and incorporated herein verbatim for all purposes.

SECTION 2. The City Manager or City Manager's designee is authorized to execute the Intrajurisdictional Agreement referenced in **SECTION 1.**, a copy of which, signed on behalf of City Public Service Board, is attached hereto as **Exhibit "C"** and incorporated herein verbatim for all purposes, as well, as any other instruments, necessary to effectuate the terms of the Intrajurisdictional Agreement, including a Memorandum of Intrajurisdictional Agreement for the Purpose of Transfer of Control of Certain Properties between the City of San Antonio and City Public Service Board, as such instruments are first approved by the City Attorney, pursuant to Section 54, Charter of the City of San Antonio..

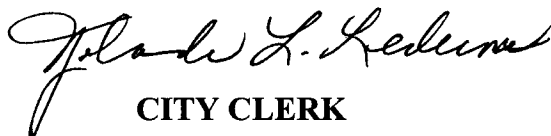
SECTION 3. This ordinance shall take effect on April 27, 2003.

PASSED AND APPROVED this the 17th day of April, 2003.

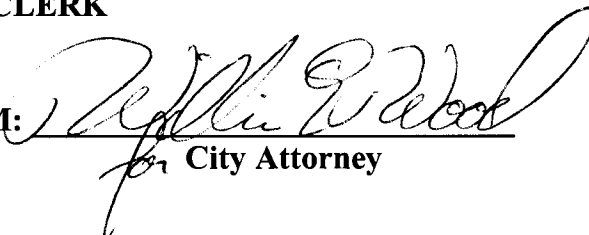


M A Y O R
EDWARD D. GARZA

ATTEST:


CITY CLERK

APPROVED AS TO FORM:


City Attorney